DISTRICT COURT OF IOWA
POTTAWATTAMIE COUNTY

State of Iowa
v.
Curtis William McGhee

No. 17852

Transcript of Proceedings (excerpt)
May 5, 1978

[334] DIRECT EXAMINATION, (Cont.)

By Mr. Hrvol, at 2:30 p.m., 5-5-78:

Q. Officer Weise, it's been rather a lengthy recess of the Court. I'd like to remind you you're still under oath. Now, Officer Weise, did this defendant, in his conversation with you concerning any trips made to McIntyre Oldsmobile-Cadillac in Council Bluffs, Iowa, in July of 1977, indicate a specific date in July?

* * *

THE WITNESS: A. He indicated a couple of different time periods that I pinned down to the month of July. He did not reference a specific date.

MR. HRVOL: Q. With reference to your report before you on page 9, is there--was there some conversation concerning a Stone Soul picnic in Carter Lake, Iowa?

THE WITNESS: A. Yes.

Q. Did you ask him with reference to that date, which is, I believe, the 4th of July, 1977, when he

made this trip to Council Bluffs, McIntyre Oldsmobile-Cadillac?

A. Yes.

Q. And how close to that date was his trip to Council Bluffs, according to Mr. McGhee?

A. He had a good three weeks or so.

Q. And did you question him further on that point?

A. Yes.

Q. What did you ask him?

A. Said we pinpointed the date of the Stone Soul picnic being the 4th of July. And he said that it was after the 4th of July, about two or three weeks after the 4th.

Q. Did he say on that specific date how he got to McIntyre [336] Oldsmobile-Cadillac in Council Bluffs?

A. Yes.

Q. And how did he get there?

A. In Terry Harrington's Oldsmobile.

Q. Did he happen to mention who he was with on that occasion?

A. Yes.

Q. Who was he with, if you know?

A. Terry Harrington.

Q. I believe if you reference page 3 of your report--

A. Anthony Houston, Arnold Kelly.

Q. Those three individuals were with Mr. McGhee; is that right?

A. That's what he told us.

Q. Did you ask him what his purpose was in going to McIntyre Oldsmobile-Cadillac on that date?

A. Yes.

Q. What was his response, if you recall, generally?

A. They went to get some keys, look at some cars and get some keys.

Q. Did you ask him why he would want keys to cars?

A. Yes.

Q. What was his response to that, generally?

A. They were going to return and get the cars.

Q. Did he say when they would return and get the cars?

A. At night.

[337] Q. Now, Officer Weise, did you ever ask this defendant if he knew a gentleman by the name of Terry Harrington?

A. Yes.

Q. And what was his response, if you recall?

A. Yes. He knows him.

Q. Did you ask him specifically whether he knew of a shotgun?

A. Yes.

Q. What was his response to that?

A. He said yes. He knew that Harrington had a shotgun.

Q. Now, referring specifically to page 13 of that statement, Officer Weise, did you ask him a specific question with regard to ownership of a shotgun?

A. Yes.

Q. Could you read that question, please?

A. Question. "You ever see any one of them three individuals that you was riding with in this Oldsmobile to go to Council Bluffs have a gun?"

Q. What was his response, Officer Weise?

A. He answer, "Yep. Terry Harrington, only one I knew had a shotgun in the back trunk of his car. He's the only one. I never heard him talking about using it. But I know he liked carrying it around with him."

Q. Referring specifically to page 17 of that statement, Officer Weise, did you ask him another question concerning the whereabouts of that shotgun?

[338] A. Yes.

Q. And the ninth line down on that statement, Officer Weise. Did he give you a response to that question?

A. Yes.

Q. What was his response?

A. "Yeah. It's been in his trunk. Yeah. I've seen it in there."

Q. What was your next question to him, Officer Weise?

A. I asked him, "All the time?"

Q. And what was his response?

A. He answered, "It's been there all the time."

Q. Did you ask him if he had personal knowledge of Mr. Harrington using that weapon on anyone?

A. Yes.

Q. What was his response to that question? The last line on page 17.

A. He answered, "See, man, he's got some evil ways. I can't quite say, but I don't know if he did it or not."

Q. What was your next question to him?

A. "Could you elaborate more on that? What do you mean, 'He has evil ways'?"

Q. What was his response to that?

A. He answered, "You know, man. Terry gets to the point, man, you know, he just can't cope, like he's a big front man. Like when you tell him about his-self, he'll get mad, man. [339] The first thing he'll be ready to do is go to that trunk. That's the first thing. Hey, man. You know, he tried to get tough with you, man. You ain't nothing, man. And the first thing he do, if he can whup you, man, you know he's going to go for his trunk. That's what he going to do."

Q. What was you next question to him?

A. "By that, 'Go for the trunk', you mean get his gun out?"

Q. What was his response?

A. He said, "Go for that trunk, snap that gun out. That's what he's gonna do."

Q. Did he ever indicate to you in his statement, Officer Weise, that he knew Kevin Hughes?

A. Yes.

Q. Did you ask him if Kevin Hughes might know anything about the man in Council Bluffs who was killed?

A. Yes.

Q. Referring to page 26 of the statement, what was his response to that question?

A. He said, "I think he do. I think he knows. I think Terry knows and Arnold Kelly. I think they knows who did it.

Q. Officer Weise, when you asked him if he personally had any involvement in the shooting death of Mr. Schweer, what was his response to you?

A. He said, "No."

[340] Q. He said he had no knowledge of it or participation in it; is that true?

A. Yes.

Q. At the completion of his statement, Officer Weise, did he indicate--did you ask him whether or not he'd want to change anything about that statement?

A. Yes.

Q. What did he indicate to you?

A. He said, "No."